

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 635

Introduced by Mello, 5.

Read first time January 21, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Nebraska Political Accountability and
2 Disclosure Act; to amend section 49-1472, Reissue Revised
3 Statutes of Nebraska, and sections 49-1446, 49-1446.01,
4 49-1455, and 49-1478.01, Revised Statutes Cumulative
5 Supplement, 2008; to change provisions relating to
6 reports to be filed by political party committees; and to
7 repeal the original sections.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 49-1446, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 49-1446 (1) Each committee shall have a treasurer who is
4 a qualified elector of this state. A candidate may appoint himself
5 or herself as the candidate committee treasurer.

6 (2) Except for funds received as provided in the Campaign
7 Finance Limitation Act, each committee shall designate one account
8 in a financial institution in this state as an official depository
9 for the purpose of depositing all contributions which it receives
10 in the form of or which are converted to money, checks, or
11 other negotiable instruments and for the purpose of making all
12 expenditures. Secondary depositories shall be used for the sole
13 purpose of depositing contributions and promptly transferring the
14 deposits to the committee's official depository.

15 (3) No contribution shall be accepted and no expenditure
16 shall be made by a committee which has not filed a statement
17 of organization and which does not have a treasurer. When the
18 office of treasurer in a candidate committee is vacant, the
19 candidate shall be the treasurer until the candidate appoints a new
20 treasurer.

21 (4) No expenditure shall be made by a committee without
22 the authorization of the treasurer or the assistant treasurer. The
23 contributions received or expenditures made by a candidate or an
24 agent of a candidate shall be considered received or made by the
25 candidate committee.

1 (5) Contributions received by an individual acting in
2 behalf of a committee shall be reported promptly to the committee's
3 treasurer not later than five days before the closing date of
4 any campaign statement required to be filed by the committee and
5 shall be reported to the committee treasurer immediately if the
6 contribution is received less than five days before the closing
7 date.

8 (6) A contribution shall be considered received by a
9 committee when it is received by the committee treasurer or a
10 designated agent of the committee treasurer notwithstanding the
11 fact that the contribution is not deposited in the official
12 depository by the reporting deadline.

13 (7) Contributions received by a committee shall not be
14 commingled with any funds of an agent of the committee or of any
15 other person except for funds received or disbursed by a separate
16 segregated political fund or political party committee for the
17 purpose of supporting or opposing candidates and committees in
18 elections in states other than Nebraska and candidates for federal
19 office, as provided in section 49-1469.06, including independent
20 expenditures made in such elections.

21 (8) Any person who violates this section shall be guilty
22 of a Class IV misdemeanor.

23 Sec. 2. Section 49-1446.01, Revised Statutes Cumulative
24 Supplement, 2008, is amended to read:

25 49-1446.01 (1) No committee, other than a political party

1 committee, may expend funds except to make an expenditure, as
2 defined in subsection (1), (2), or (3) of section 49-1419, or as
3 provided in section 49-1446.03 or 49-1469.06.

4 (2) A candidate committee of an officeholder may make
5 expenditures for the payment of installation and use of telephone
6 and telefax machines located in an officeholder's public office and
7 used by such officeholder.

8 (3) Any committee, including a political party committee,
9 may invest funds in investments authorized for the state investment
10 officer in the Nebraska Capital Expansion Act and the Nebraska
11 State Funds Investment Act. Nothing in this section shall prohibit
12 a separate segregated political fund or political party committee
13 from disbursing funds as provided in section 49-1469.06.

14 Sec. 3. Section 49-1455, Revised Statutes Cumulative
15 Supplement, 2008, is amended to read:

16 49-1455 (1) The campaign statement of a committee, ~~other~~
17 ~~than a political party committee~~, shall contain the following
18 information:

19 (a) The filing committee's name, address, and telephone
20 number and the full name, residential and business addresses, and
21 telephone numbers of its committee treasurer;

22 (b) Under the heading RECEIPTS, the total amount of
23 contributions received during the period covered by the campaign
24 statement; under the heading EXPENDITURES, the total amount of
25 expenditures made during the period covered by the campaign

1 statement; and the cumulative amount of those totals for the
2 election period. If a loan was repaid during the period covered
3 by the campaign statement, the amount of the repayment shall
4 be subtracted from the total amount of contributions received.
5 Forgiveness of a loan shall not be included in the totals. Payment
6 of a loan by a third party shall be recorded and reported as a
7 contribution by the third party but shall not be included in the
8 totals. In-kind contributions or expenditures shall be listed at
9 fair market value and shall be reported as both contributions and
10 expenditures;

11 (c) The balance of cash and cash equivalents on hand at
12 the beginning and the end of the period covered by the campaign
13 statement;

14 (d) The full name of each individual from whom
15 contributions totaling more than two hundred fifty dollars are
16 received during the period covered by the report, together with
17 the individual's street address, the amount contributed, the date
18 on which each contribution was received, and the cumulative amount
19 contributed by that individual for the election period;

20 (e) The full name of each person, except those
21 individuals reported under subdivision (1)(d) of this section,
22 which contributed a total of more than two hundred fifty dollars
23 during the period covered by the report together with the person's
24 street address, the amount contributed, the date on which each
25 contribution was received, and the cumulative amount contributed by

1 the person for the election period;

2 (f) The name of each committee which is listed as
3 a contributor shall include the full name of the committee's
4 treasurer;

5 (g) Except as otherwise provided in subsection (3) of
6 this section: The full name and street address of each person
7 to whom expenditures totaling more than two hundred fifty dollars
8 were made, together with the date and amount of each separate
9 expenditure to each such person during the period covered by the
10 campaign statement; the purpose of the expenditure; and the full
11 name and street address of the person providing the consideration
12 for which any expenditure was made if different from the payee;

13 (h) The amount and the date of expenditures for or
14 against a candidate or ballot question during the period covered
15 by the campaign statement and the cumulative amount of expenditures
16 for or against that candidate or ballot question for the election
17 period. An expenditure made in support of more than one candidate
18 or ballot question, or both, shall be apportioned reasonably among
19 the candidates or ballot questions, or both; and

20 (i) The total amount of funds disbursed by a separate
21 segregated political fund or political party committee, by state,
22 for the purpose of supporting or opposing candidates and committees
23 in elections in states other than Nebraska and candidates for
24 federal office, including independent expenditures made in such
25 elections.

1 (2) For purposes of this section, election period means
2 (a) the period beginning January 1 of the calendar year prior
3 to the year of the election in which the candidate is seeking
4 office through the end of the calendar year of such election for
5 candidate committees of candidates seeking covered elective offices
6 as defined in subdivision (1)(a) of section 32-1603, (b) the period
7 beginning July 1 of the calendar year prior to the year of the
8 election in which the candidate is seeking office through the end
9 of the calendar year of such election for candidate committees
10 of candidates seeking covered elective offices so defined in
11 subdivision (1)(b) of section 32-1603, and (c) the calendar year of
12 the election for all other committees.

13 (3) A campaign statement shall include the total amount
14 paid to individual petition circulators during the reporting
15 period, if any, but shall not include the name, address, or
16 telephone number of any individual petition circulator if the only
17 payment made to such individual was for services as a petition
18 circulator.

19 Sec. 4. Section 49-1472, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 49-1472 (1) A person shall not accept or expend an
22 anonymous contribution. An anonymous contribution received by a
23 person shall not knowingly be deposited but shall be given to
24 a tax-exempt charitable organization. The charitable organization
25 receiving the contribution shall provide the person with a receipt.

1 The person shall give a copy of the receipt to the commission.

2 (2) A contribution received as the result of a
3 fundraising event, or from the sale of political merchandise, or
4 from membership fees, dues, or subscriptions for political purposes
5 to an independent committee or political party committee that
6 is fifty dollars or less shall not be considered an anonymous
7 contribution.

8 (3) A person making a contribution pursuant to subsection
9 (2) of this section which is fifty dollars or more shall furnish
10 the recipient with the donor's name, address, and the total amount
11 contributed.

12 (4) Any person violating the provisions of this section
13 shall be guilty of a Class III misdemeanor.

14 Sec. 5. Section 49-1478.01, Revised Statutes Cumulative
15 Supplement, 2008, is amended to read:

16 49-1478.01 (1) An independent committee, including a
17 separate segregated political fund, and a political party committee
18 which makes a late independent expenditure shall report the
19 expenditure to the commission by filing within two days after
20 the date of the expenditure the committee's full name and street
21 address, the amount of the expenditure, and the date of the
22 expenditure. The report shall include (a) the full name and
23 street address of the recipient of the expenditure, (b) the
24 name and office sought of the candidate whose nomination or
25 election is supported or opposed by the expenditure, and (c)

1 the identification of the ballot question, the qualification,
2 passage, or defeat of which is supported or opposed. Filing
3 of a report of a late independent expenditure may be by any
4 written means of communication, including electronic means approved
5 by the commission, and need not contain an original signature.
6 A late independent expenditure shall be reported on subsequent
7 campaign statements without regard to reports filed pursuant to
8 this section.

9 (2) A committee which fails to file a report of a late
10 independent expenditure with the commission as required by this
11 section shall pay to the commission a late filing fee of one
12 hundred dollars for each of the first ten days the report remains
13 not filed in violation of this section. After the tenth day, such
14 committee shall pay, for each day the report remains not filed,
15 an additional late filing fee of one percent of the amount of the
16 late independent expenditure which was required to be reported,
17 not to exceed ten percent of the amount of the late independent
18 expenditure which was required to be reported.

19 (3) For purposes of this section, late independent
20 expenditure means an independent expenditure as defined in section
21 49-1428 of one thousand dollars or more made after the closing
22 date for campaign statements as provided in subdivision (1)(b) of
23 section 49-1459.

24 Sec. 6. Original section 49-1472, Reissue Revised
25 Statutes of Nebraska, and sections 49-1446, 49-1446.01, 49-1455,

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1 and 49-1478.01, Revised Statutes Cumulative Supplement, 2008, are
2 repealed.